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WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA, LOUISIANA

**UNITED STATES DISTRICT COURT**  
**WESTERN DISTRICT OF LOUISIANA**  
**ALEXANDRIA DIVISION**

**INDEPENDENT TURTLE FARMERS OF  
LOUISIANA, INC.**

**CIVIL ACTION NO. 1:07-cv-00856**

**-vs-**

**JUDGE DRELL**

**UNITED STATES OF AMERICA, et al.**

**MAGISTRATE JUDGE KIRK**

**J U D G M E N T**

For the reasons detailed in a separate ruling issued on this date, the Court's disposition as to each of the motions pending in this case are as follows:

- (1) the Plaintiff's Motion to Supplement the Administrative Record (**Doc. 45**)

is **GRANTED IN PART AND DENIED IN PART.**

- (a) The following documents are added to the administrative record (Doc. 5):

- (i) email communications exchanged among FDA officials discussing the Plaintiff's petition (Bates Nos. 2136-37, 2138, 2138, 3264); and

- (ii) a letter from Dr. Mark Mitchell sent to the FDA in December 2005 (Bates Nos. 2833-35).

- (b) The following documents were considered as extra-record evidence:

- (i) newspaper articles, publications, and correspondence among FDA officials (Bates Nos. 2026, 2067-71, 2179-83,

2239-40, 2267-69, 2311-22, 2333-35, 2337-39, 2397-98, 2462-64, 2465-67, 2468, 2469-74, 2582, 2583, 2584, 2585-86, 2589-90, 2605-08, 2746, 2749, 2766, 2768, 2787-90, 2791-92, 2795-96, 2897-98, 3034, 3055-72, 3102-03); and

- (ii) four scientific and journalistic publications which postdate the Food and Drug Administration's ("FDA's") May 31, 2006 denial of the Plaintiff's petition (Bates Nos. 1985-93, 2008-14, 2052-59, 2060-66).

- (c) The following documents are not added to the administrative record and were not considered as extra-record evidence:

- (i) five letters written to the FDA after its May 31, 2006 decision (Bates Nos. 2041-42, 2043-44, 2045-46, 2840-44, 2845-46);
- (ii) the analysis of a 1987 Michigan state senate bill (Bates Nos. 2682-83);
- (iii) a memorandum containing suggested language for the 2005 U.S. congressional appropriations bill (Bates No. 3026); and
- (iv) three letters from Nathan Sharff to the FDA (Bates Nos. 2717, 2718, 2719).

- (2) the Defendants' Motion to Supplement the Administrative Record (**Doc. 46**) is **GRANTED**. Three memoranda prepared by FDA employees, and attached to the Defendants' motion as Exhibits A-C (Bates Nos. 2073-74,


2075, 2080-87) are added to the administrative record (Doc. 5).

(3) the Plaintiff's Motion for Summary Judgment (**Doc. 58**) is **GRANTED IN PART AND DENIED IN PART**.

(4) the Defendants' Motion for Summary Judgment (**Doc. 60**) is **GRANTED IN PART AND DENIED IN PART**.

Accordingly, this case is hereby **remanded to the FDA for further proceedings consistent with this judgment and the ruling issued on this date**. The clerk is requested to close this case.

SIGNED on this 29<sup>th</sup> day of March, 2010 at Alexandria, Louisiana.

A handwritten signature in black ink, appearing to read 'Dee D. Drell', is written over a horizontal line.

DEE D. DRELL  
UNITED STATES DISTRICT JUDGE